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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603			EXAMINER LEWIN, ALLANA	
			ART UNIT 3764	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,436

Applicant(s)

PLANKE, TORE

Examiner

Allana Lewin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-9 and 13 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US Pat. No. 1,243,107) in view of Davis (1,105,624) and further in view of Hippel (US Pat. No. 4,765,005).

Richardson substantially discloses the claimed invention comprising a pulley (10), or direction reversal means, that is suspendable from a fixed support (note Figure 2) as it attached to a frame (2) and the frame having an eye (12) for receiving a preferred holding device (column 2, lines 63-68) and having two sides (note Figure 1); a rope (9) that is passed via the suspended direction reversal means, a first part of the rope being arranged to hang down from one side of the directions and having a lower end (note Figure 1); a second part of the rope being arranged to hang down from the other side of the direction reversal means (note Figure 1); a rope locking device (proximate lead lines 3-8), with two opposite sides (note Figure 1), one side having a rope receiving groove and a sideway opening through which the second part of the rope can sideways enter the rope receiving groove to be releasably locked therein and can be released by being pulled out sideways therefrom (note the left-hand side of Figure 3, particularly proximate reference numeral 8), wherein an opposite side of the locking device is attached to the first part of the rope, and whereby the locking device is cooperable with the second part of the rope to provide releasable engagement between

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the locking part and the second part of the rope. Additionally, the locking device has a guide formed by a guiding flange (8) for the second part of the rope that covers a portion of the sideways opening of the locking device (note Figure 3) to limit movement of the second part of the rope sideways out of the rope receiving groove in the locking device when the second part of the rope is pulled sideways and outwardly from the rope receiving groove to release the second part of the rope from a locked engagement position in the rope receiving groove in order to readjust the engagement position of the locking device on the second part of the rope.

Richardson fails to disclose a handle loop being provided at the lower end of the first part of the rope or the rope receiving groove having a set of inclined 'keyway wedging elements'.

Davis discloses an analogous device and teaches the use of a handle loop (15) in order to aid and facilitate in attachment of a load or weight.

Hippel discloses a support device and teaches the use of a jam cleat (40) for adjustment of a rope (30), the jam cleat or rope locking device having a set of spaced grooves (60), which comprehend Applicant's 'keyway wedging elements', located in a rope receiving groove (note Figures 7 and 8) that are inclined since Hippel teaches these grooves being located about forty-five degrees from the horizontal (column 3, lines 54-55 and note Figures 7 and 8). Hippel teaches that these grooves form a gripping surface for frictionally engaging and gripping the rope in a well known manner (column 3, lines 48-54).

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Therefore, based on the teachings of Davis, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a handle loop in the Richardson device in order to provide an easy and convenient means of attaching a load to be hoisted or moved. Additionally, based on the teachings of Hippel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized inclined grooves or 'keyway wedging elements' in the Richardson device in order to better engage the rope during use thereby preventing accidental slipping or unintentional removal of the rope from the device.

With respect to claim 4, Richardson fails to specifically disclose the guide to be an elastically yielding belt. Davis teaches the use of a collar (5), which absent further limitation, comprehends Applicant's 'belt', that helps to define the guide through which the rope (14) passes. Davis fails to specifically disclose the collar/belt to be elastically yielding, however such a modification would have been an obvious matter of design choice as Applicant has not disclosed that the elastically yieldable belt solves any stated problem or is for any particular purpose. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an elastically yielding belt by further extending the guiding flange in the Richardson device in order to provide a secure enclosure through which the rope extends thereby preventing the rope from being accidentally or inadvertently disengaged, as well as reduce the strain on and potential breakage of a non-yielding guide.

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As to claims 8 and 9, the first part of the rope is attached to the locking device by a retaining slot (note the right-hand side of Figure 3), and wherein the first part of the rope is attached to the locking device by a clamp (5) on the locking device.

Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson in view of Davis and Hippel, as applied to claims 1 and 2 above, and further in view of Smith (US Pat. No. 5,664,640).

Richardson modified supra fails to disclose a guide pin.

Smith discloses an analogous device and teaches the use of a guide pin (720) that cooperates with the rope wedge (71), the rope wedge forming a rope receiving groove (note Figure 6), in order to maintain the rope in the device and prevent accidental or undesired sideways or outwardly directed movement of the rope.

Therefore, based on the teachings of Smith it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a guide pin with the Richardson device in order to properly maintain the rope in the locking device. Regarding the orientation of the guiding pin, absent criticality of the pin being provided at an upper end of the locking device and above the rope receiving groove, Examiner notes that this is a matter of design choice. Smith teaches the guide being oriented at a lower portion of the device, however the guide could be located at an upper or lower part of the Richardson locking device to perform correspondingly and achieve similar results.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson, Davis and Hippel as applied to claims 1 and 2 above, and further in view of Pickering (US Pat. No. 5,540,307).

Richardson fails to disclose the guide as a flap that is pivotal against spring force relative to the locking device.

Pickering discloses an analogous device and teaches the use of a flap (116) that is pivotal (160) against the spring force of a torsion spring relative to a rope cam (158) and aids in locking maintaining the rope within the housing (note Figure 9).

Based on the teachings of Pickering, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a pivotal and spring biased flap as the guide in the Richardson device in order to ensure the rope is maintained within the device while also providing easy and convenient disengagement or adjustment of the rope.

Allowable Subject Matter

Claim 15 is allowed.

Claims 10, 11, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed June 22nd, 2007 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's assertion that the combination of Richardson, Davis and Hippel is "untenable, unreasonable and inoperable."

Richardson substantially discloses Applicant's recited invention of claim 1 except for a handle loop and keyway wedging elements. Examiner respectfully disagrees with Applicant's contention that neither of the rope strands in Richardson attach to the clamping dog assembly (5) since Figure 3 shows the rope engaged by the clamping assembly and attached between dog (5) and the abutment (7). Thus, the rope is attached to the clamp in this manner.

Davis discloses an analogous device to Richardson and teaches a handle loop provided at the lower end of one part of the rope. The use of a handle loop is an easy and convenient way to facilitate attachment of a load or a location to be grasped if necessary. Therefore, such a modification would have been obvious to an artisan of ordinary skill.

Furthermore, Hippel discloses an apparatus utilizing a cleat lock and specifically teaches the use of spaced grooves (60), which, absent further limitation, comprehend Applicant's 'keyway wedging elements', that serve to frictionally, and therefore securely, engage the rope. Utilization of these grooves/keyway wedging elements with the Richardson device would ensure a safer and more secure connection between the rope and the opening into which it is received.

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Examiner notes that the modification of Richardson by Davis and Hippel render minor and obvious changes to the device. The addition of a handle loop as taught by Davis or grooves as taught by Hippel do not starkly or unreasonably alter the Richardson device, but merely provide modifications that would have been obvious to an artisan of ordinary skill in light of the teachings of the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560.

The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL 
August 31st, 2007


Stephen R. Crow
Primary Examiner